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*37409-060506*



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**JUNE 5, 2006  
9:00 A.M.**

**ROOM 159**

**AGENDA**

**Call to Order -- Roll Call. (Council Member Wishneff was absent.)**

A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

**Approved (4-0, Council Members Dowe and McDaniel were not present when the vote was recorded.)**

**File #110-132**

A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the annual performance of two Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

**Approved (4-0, Council Members Dowe and McDaniel were not present when the vote was recorded.)**

**File #132**

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended.

**Approved (4-0, Council Members Dowe and McDaniel were not present when the vote was recorded.)**

**File #132**

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of public-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended.

**Approved (4-0, Council Members Dowe and McDaniel were not present when the vote was recorded.)**

**File #132**

A communication from the City Manager requesting that Council convene in a Closed Meeting, pursuant to Section 2.2-3711.29, Code of Virginia (1950), as amended, to discuss certain confidential proprietary records excluded from Chapter 37 of the Code of Virginia (1950), as amended, pursuant to subdivision 11 of Section 2.2-3705.6, Code of Virginia (1950), as amended.

**Approved (4-0, Council Members Dowe and McDaniel were not present when the vote was recorded.)**

**File #132**

Items listed on the 2:00 p.m. Council docket requiring discussion/clarification and additions/deletions to the 2:00 p.m. agenda. (10 minutes)

Topics for discussion by the Mayor and Members of Council. (10 minutes)

#### **BRIEFINGS:**

Director of Finance:

- Proposed revisions to the Pension Code – 15 minutes

City Manager:

- Soccer Fields on Reserve Avenue – 15 minutes
- Market Study – 40 minutes
- Central Roanoke Mobility Study – 40 minutes

THE COUNCIL MEETING WAS DECLARED IN RECESS AT 11:00 A.M., FOR A MEETING OF THE AUDIT COMMITTEE IN THE COUNCIL'S CONFERENCE ROOM, ROOM 451, NOEL C. TAYLOR MUNICIPAL BUILDING. THE COUNCIL MEETING WAS RECONVENED AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER.



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**JUNE 5, 2006  
2:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**1. Call to Order--Roll Call. (All Council Members were present.)**

The Invocation was delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

Welcome. Mayor Harris.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's Council meeting will be replayed on Channel 3 on Thursday, June 8, 2006, at 7:00 p.m., and Saturday, June 10, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), CLICK ON THE SERVICE ICON, CLICK ON COUNCIL AGENDAS TO ACCESS THE APPROPRIATE AGENDA AND COUNCIL MEETING. IF ADOBE ACROBAT IS NOT AVAILABLE, A PROMPT WILL APPEAR TO DOWNLOAD PRIOR TO VIEWING AGENDA INFORMATION.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

Proclamation declaring June 16 - 17, 2006, as Relay For Life Days.  
File #80

Proclamation declaring June 9, 2006, as Sons of the American Revolution Day.  
File #80-87

3. **CONSENT AGENDA**  
**Approved (7-0)**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the special meeting of Council held on Monday, April 17, 2006, and the regular meeting of Council held on Monday, April 17, 2006.  
**RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.**
- C-2 A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed encroachment into the public right-of-way of Southern Hills Drive, S. W., for construction of a modular concrete retaining wall (Home Depot).  
**RECOMMENDED ACTION: Concur in the request.**  
**File #28-514**
- C-3 A communication from Gwendolyn W. Mason tendering her resignation as a member of the Parks and Recreation Advisory Board.  
**RECOMMENDED ACTION: Accept the resignation and receive and file the communication.**  
**File #67-110**

C-4           Qualification of the following persons:

Michael W. Hanks for a term ending June 20, 2008, and John G. Reed for a term ending June 30, 2010, as members of the Board of Trustees, City of Roanoke Pension Plan; and

M. Rupert Cutler as a member of the Western Virginia Water Authority Board of Directors, for a term commencing July 1, 2006 and ending June 30, 2010.

**RECOMMENDED ACTION: Receive and file.  
File #15-110-429-468**

**REGULAR AGENDA**

**4. PUBLIC HEARINGS: NONE.**

**5. PETITIONS AND COMMUNICATIONS:**

- a.     Remarks with regard to the 40<sup>th</sup> Anniversary of Virginia Western Community College. Dr. Robert H. Sandel, President, and Barry W. Baird, Board of Directors, Spokespersons. (Sponsored by the City Manager.)  
**File #87-467**

**6. REPORTS OF OFFICERS:**

- a.     CITY MANAGER:

**BRIEFINGS: NONE.**

**ITEMS RECOMMENDED FOR ACTION:**

- 1.     Appropriation of \$158,939.00 in connection with reimbursement of hurricane deployment expenses incurred by the Roanoke Fire-EMS Department during fiscal year 2005-2006.  
**Adopted Budget Ordinance No. 37409-060506. (7-0)  
File #60-70**

2. Amendment of the City Code with regard to days and hours of operation of the City Market; and amendment of the Fee Compendium to include market space fees for Sunday operations, effective July 1, 2006.  
**Adopted Ordinance No. 37410-060506 and Resolution No. 37411-060506. (7-0)**  
**File #24-42**
3. Appropriation of \$355,000.00 in additional funds from the Commonwealth of Virginia for certain Social Services programs for fiscal year 2005-2006.  
**Adopted Budget Ordinance No. 37412-060506. (7-0)**  
**File #60-72**
4. Appropriation of \$22,850.00 for Outreach Detention/Electronic Monitoring and Sanctuary/Crisis Intervention Center program activities.  
**Adopted Budget Ordinance No. 37413-060506. (7-0)**  
**File #60-304**
5. Appropriation of flood expenditure reimbursement and flood insurance proceeds in connection with a local emergency that was declared in the City of Roanoke on September 28, 2004, as a result of flooding; and budget adjustments for motor fuel expenses.  
**Adopted Budget Ordinance No. 37414-060506. (7-0)**  
**File #60-237**
6. Authorization for acceptance of donated vehicles for use in the Community Oriented Policing Effort (COPE).  
**Adopted Resolution No. 37415-060506. (7-0)**  
**File #5**
7. Authorization to execute documents with the Virginia Department of Rail and Public Transportation in support of the application of FreightCar Roanoke, Inc., for Railroad Industrial Access Program funds.  
**Adopted Resolution No. 37416-060506. (7-0)**  
**File #60-188**



b. CITY ATTORNEY:

1. Readoption and reenactment of the Code of the City of Roanoke (1979), as amended.  
**Adopted Ordinance No. 37417-060506. (7-0)**  
**File #24**
2. Authorization for the Mayor to execute a Deed of Release with Virginia Holding Corporation releasing the City from any/or requirement that the 30.15-acre tract of land conveyed to the City by deed dated March 15, 1941, be used for stadium purposes.  
**Adopted Ordinance No. 37418-060506. (7-0)**  
**File #122**

c. DIRECTOR OF FINANCE:

1. Financial report for the month of April, 2006.  
**Received and filed.**  
**File #10**

**7. REPORTS OF COMMITTEES: NONE.**

**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Mr. Chris Craft, 1501 East Gate Avenue, N. E., requested that citizens be permitted to take photographs of Victory Stadium as a memento prior to demolition. He asked that the City of Roanoke enforce the sign ordinance prohibiting the posting of yard sale signs on City property.**

**File #51-122**

**Mr. Jessie E. Blessard, 1406 East Gate Avenue, N. E., spoke with regard to increasing the eligibility requirements for City of Roanoke elderly/disabled homeowners under the real estate tax relief program.**

**File #79**

**Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed concern that even though Victory Stadium is closed for public use, Carilion Health System used the facility to celebrate the 25th anniversary of Lifeguard 10.**

**Vice-Mayor Fitzpatrick clarified that the activity was held on the Parks and Recreation parking lot next to Victory Stadium.**

**File #122**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., requested that Council give serious consideration to the proposal to locate the Social Security Administration Office in the Henry Street area.**

**File #391-511**

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to the renovation of Victory Stadium.

File #122

Mr. Robert D. Gravely, 727 29th Street, N. W., advised that "...I can and will have you shot...."

The Mayor ruled Mr. Gravely out of order and instructed the City Attorney to forward a copy of his remarks to the Commonwealth Attorney's Office.

File #83-132-133

## 12. CITY MANAGER COMMENTS: NONE.

CERTIFICATION OF CLOSED SESSION. (7-0)

Anthony M. Reed was appointed as a member of the Fair Housing Board to fill the unexpired term of Rich G. McGimsey, ending March 31, 2007.

File #15-110-178

The following persons were reappointed to authorities, boards, commissions and committees:

John C. Moody, Jr., as a member of the Board of Fire Appeals for a term ending June 30, 2010.

File #15-70-100

Edward C. Bradley and Virginia B. Stuart as members of the Personnel and Employment Practices Commission for terms ending June 30, 2009.

File #15-110-184

Sandra K. Brunk, Charles E. Jordan, George Kegley, and Susannah Koerber as members of the Roanoke Arts Commission for terms ending June 30, 2009.

File #15-110-230

Lucy R. Ellett as a member of the Roanoke Valley Greenways Commission for a term ending June 30, 2009.  
File #15-110-379

Wilburn C. Dibling, Jr., and Michael L. Ramsey as members of the Roanoke Public Library Board for terms ending June 30, 2009.  
File #15-110-323

Gail Burress and Clifford R. Weckstein as members of the Court Community Corrections Program Regional Community Criminal Justice Board for terms ending June 30, 2009.  
File #15-110-242

Bobby R. Caudle and Sandra B. Kelly as members of the Roanoke Neighborhood Advocates for terms ending June 30, 2009.  
File #15-110-488

A. Morris Turner, Jr., and Barton J. Wilner as members of the Roanoke Valley Convention and Visitors Bureau Board of Directors for terms ending June 30, 2007.  
File #15-110-293

Michael W. Conner, Walter T. Hinkley, Thomas W. Ruff, and Harold F. Wallick, Jr., as members of the Towing Advisory Board for terms ending June 30, 2009.  
File #15-110-543

Barry W. Baird and Dennis R. Cronk as members of the Virginia Western Community College Board for terms ending June 30, 2010.  
File #15-110-467

R. Brian Townsend as a City representative to the Virginia First Regional Industrial Facility Authority for a term ending June 30, 2010.  
File #15-110-526

A. L. Gaskins as a City representative to the Regional Virginia Alcohol Safety Action Program Policy Board for a term ending June 30, 2008.

File #15-110-536

William D. Bestpitch, Darlene L. Burcham, and Robert H. Logan, III, as members of the Roanoke Valley-Allegheny Regional Commission for terms ending June 30, 2009.

File #15-110-326